

**Thomas Jefferson to James Monroe, March 21, 1807,  
The Works of Thomas Jefferson in Twelve Volumes.  
Federal Edition. Collected and Edited by Paul Leicester  
Ford.**

**TO THE UNITED STATES MINISTER TO GREAT BRITAIN<sup>1</sup> (JAMES MONROE.) J.  
MSS.**

1 In reference to the British treaty, Jefferson had previously written Madison:

“ Sunday Feb. 1, '07.

“The more I consider the letter of our minister to London, the more seriously it impresses me. I believe the *sine qua non* we made is that of the nation, & that they would rather go on without a treaty than with one which does not settle this article. Under this dilemma, and at this stage of the business, had we not better take the advice of the Senate? I ask a meeting at 11 o'clock to-morrow, to consult on this question.”

Washington, March 21, 1807

Dear Sir, —A copy of the treaty with Gr. Britain came to Mr. Erskine's hands on the last day of the session of Congress, which he immediately communicated to us; and since that Mr. Purviance has arrived with an original. On the subject of it you will receive a letter from the Secretary of State, of about this date, and one more in detail hereafter. I should not have written, but that I perceive uncommon efforts, and with uncommon wickedness, are making by the federal papers to produce mischief between myself, personally, & our negociators; and also to irritate the British government, by putting a thousand speeches into my mouth, not one word of which I ever uttered. I have, therefore, thought it safe to

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guard you, by stating the view which we have given out on the subject of the treaty, in conversation & otherwise; for ours, as you know, is a government which will not tolerate the being kept entirely in the dark, and especially on a subject so interesting as this treaty. We immediately stated in conversation, to the members of the Legislature & others, that having, by a letter received in January, perceived that our re'misters might sign a treaty not providing satisfactorily against the impressment of our seamen, we had, on the 3d of Feb., informed you, that should such an one have been forwarded, it could not be ratified, & recommending, therefore, that you should resume negociations for inserting an article to that effect; that we should hold the treaty in suspense until we could learn from you the result of our instructions, which probably would not be till summer, & then decide on the question of calling the Senate. We observed, too, that a written declaration of the British commissioners, given in at the time of signature, would of itself, unless withdrawn, prevent the acceptance of any treaty, because it's effect was to leave

us bound by the treaty, and themselves totally unbound. This is the statement we have given out, and nothing more of the contents of the treaty has ever been made known. But depend on it, my dear Sir, that it will be considered as a hard treaty when it is known. The British commisrs appear to have screwed every article as far as it would bear, to have taken everything, & yielded nothing. Take out the 11th. article, and the evil of all the others so much overweighs the good, that we should be glad to expunge the whole. And even the 11th. article admits only that we may enjoy our right to the indirect colonial trade, *during the present hostilities*. If peace is made this year, and war resumed the next, the benefit of this stipulation is gone, and yet we are bound for 10. years, to pass no non-importation or non-intercourse laws, nor take any other measures to restrain the unjust pretensions & practices of the British. But on this you will hear from the Secretary of State. If the treaty cannot be put into acceptable form, then the next best thing is to back out of the negotiation as well as we can, letting that die away insensibly; but, in the meantime, agreeing informally, that both parties shall act on the principles of the treaty, so as to preserve that friendly understanding which we sincerely desire, until the one

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or the other may be deposed to yield the points which divide us. This will leave you to follow your desire of coming home, as soon as you see the amendment of the treaty is desperate. The power of continuing the negotiations will pass over to Mr. Pinckney, who, by procrastinations, can let it die away and give us time, the most precious of all things to us. The government of New Orleans is still without such a head as I wish. The salary of 5000 D. is too small; but I am assured the Orleans legislature would make it adequate, would you accept it. It is the 2d. office in the U S in importance, and I am still in

hopes you will accept it. It is impossible to let you stay at home while the public has so much need of talents. I am writing under a severe indisposition of periodical headache, with scarcely command enough of my mind to know what I write. As a part of this letter concerns Mr. Pinckney as well as yourself, be so good as to communicate so much of it to him; and with my best respects to him, to Mrs. Monroe and your daughter, be assured yourself, in all cases, of my constant & affectionate friendship & attachment.<sup>1</sup>

1 Jefferson further wrote to Robert R. Livingston:

“ Washington, March 24th, 1807.

“ Dear Sir,—The two receipts of Paucin's have come safely to hand. The account has been settled without difficulty. The Federal papers appear desirous of making mischief between us & England, by putting speeches into my mouth which I never uttered. Perceiving, by a letter received in January, that our corers were making up their mind to sign a treaty which contained no provision against impressment, we immediately instructed them not to do so; & if done, to consider the treaty as not accepted, & to resume their negotiations to supply an article against impressment. We therefore hold the treaty in suspense, until we hear what is done in consequence of our last instructions. Probably we shall not hear till midsummer, & we reserve till that time the question of calling the Senate. In the meantime, to shew the continuance of a friendly spirit, we continue the suspension of the non-importation act by proclamation. Another cause for not accepting the treaty was

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a written declaration by the British commrs at the time of signing, reserving a right, if we did not oppose the French decree to their satisfaction, to retaliate in their own way, however it might affect the treaty; so that, in fact, we were to be bound, & they left free. I think, upon the whole, the emperor cannot be dissatisfied at the present state of things between us & England, & that he must rather be satisfied at our unhesitating rejection of a proposition to make common cause against him, for such in amount it was. Burr has indeed made a most inglorious exhibition of his much over-rated talents. He is now on his way to Richmond for trial. Accept my friendly salutations, & assurances of constant esteem & respect.”

He also wrote to Levi Lincoln, March 25, 1807:

“I expect you are at a loss to understand the situation of the British treaty, on which the newspapers make so many speeches for me which I never made. It is exactly this. By a letter received from our negociators in January, we found they were making up their minds to sign a treaty containing no provision against the impressment of our seamen. We instantly (Feb. 3) instructed them not to do so; and that if such a treaty had been forwarded, it could not be ratified; that therefore they must immediately resume the negotiations to supply that defect, as a *sine quâ non*. Such a treaty having come to hand, we of course suspend it, until we know the result of the instructions of Feb. 3, which probably will not be till mid-summer. We reserve ourselves till then to decide the question of calling the Senate. In the meantime, I have, by proclamation, continued the suspension of the non-importation law, as a proof of the continuance of friendly dispositions. There was another circumstance which would have prevented the acceptance of the treaty. The British Commissioners, at the time of signing, gave in a written declaration, that until they knew what we meant to do in the subject of the French decree, the king reserved to himself the right of not ratifying, and of taking any measures retaliating on France which he should deem proper, notwithstanding the treaty. This made the treaty binding on us; while he was loose to regard it or not, and clearly squinted at the expectation that we should

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join in resistance to France, or they would not regard the treaty. We rejected this idea unhesitatingly.

“I expected to have paid a short visit to Monticello before this, but have been detained by the illness of my son-in-law, Mr. Randolph, and now by an attack of periodical headache on myself. This leaves me but an hour & a half each morning capable of any business at all. A part of this I have devoted to write you this letter, and to assure you of my constant friendship and respect.”